PUBLICATION UPDATE

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Ohio Jury Instructions—Civil

Publication 4346 Release 21S2 September 2021

HIGHLIGHTS

This release includes revisions to the following:

- User's Guide
- Chapter CV 415— Innkeepers
- Chapter CV 455— Civil Relief for Criminal Conduct

User's Guide revised and updated.

Chapter CV 415 contains one revised instruction on innkeeper and servant liability, one revised instruction on loss of guest property: special arrangement, and one revised instruction on loss of property after checkout.

Chapter CV 455 includes one revised instruction on civil remedy for person injured by criminal act.

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Ohio Jury Instructions—Civil

Publication 4346 Release 21S2CIV September 2021

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☐ 1. Check the Publication Update and the Filing Instructions in the front of your present Volume Civil Instructions—General—Special Topics. Both should be labeled Release 21S1CIV and dated June 2021. If the set is current, proceed with the filing of this release. If your set is not filed through Release Number 21S1CIV, DO NOT file this release. Please call Customer Services at 1-800-833-9844 for assistance in bringing your set up to date.

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VOLUME Civil Instructions—General—Special Topics

Revision

☐	Guide-1 thru Guide-7	Guide-1 thru Guide-7
☐	Title page thru lxxiii.	Title page thru lxxiii
☐	273 thru 275	273 thru 275
☐	458.3 thru 458.5	458.3
☐	I-1 thru I-35	I-1 thru I-35

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USER'S GUIDE to *Ohio Jury Instructions* *[Rev. 8/5/20]*

• **What is *Ohio Jury Instructions*?** *Ohio Jury Instructions* ("*OJI*") is a collection of non-binding model instructions prepared by the Ohio Judicial Conference's Ohio Jury Instructions Committee. Although often cited with approval by courts, including the Supreme Court of Ohio, *OJI* is not considered binding. The template instructions set forth in *OJI* are primarily intended for use by judges in instructing juries in the state and federal courts of Ohio when Ohio law is involved in a case. Practitioners can utilize *OJI* to submit requested jury charges.

• **Mission Statement.** *OJI*'s mission is to provide neutral template instructions that are understandable and provide jurors with the law and procedure necessary to enable them to reach fair and just verdicts.

• **Organization.** Published in both electronic and print form, *OJI* is divided into two volumes, one for civil and one for criminal. The civil volume consists of one book, while the criminal volume consists of two books. Each volume is further divided into ***titles***, with each title indicating a broad category of related content. Each title is then separated into ***chapters*** that focus on a more narrow set of related content. Each chapter contains individually numbered ***instructions*** that set forth specific jury charges on a particular topic.

• **Examples of Titles:**

Title 3: General Civil Trial Instructions

Title 4: Civil Subject Matter Instructions: Tort-Related

Title 5: Civil Subject Matter Instructions: Contract-Related

• **Examples of Chapters within Title 4:**

Chapter CV 401 Negligence

Chapter CV 403 Comparative Negligence

[chapter designations continue until]

Chapter CV 453 Tortious Interference with Economic Relations

• **Examples of Instructions within Chapter CV 453:**

CV 453.01 Tortious interference with business relations

CV 453.03 Tortious interference with contractual relations

CV 453.05 Tortious interference with employment relations

• **Finding an instruction by topic.** Each volume of *OJI* contains a table of contents prepared by the Ohio Jury Instructions Committee and an index prepared by the print publisher. In the criminal volume, instructions are grouped by topics that generally

mirror the criminal statutory scheme set forth in the Ohio Revised Code. In the civil volume, instructions are grouped by topics into titles that are generally related by legal concepts or themes. For example, the chapters in Title 5 all deal with contract-related topics. Within titles, narrower topics generally follow broader topics in the same related area. For example, "Contracts" is the first chapter in Title 5 and is followed by such chapters as the "Uniform Commercial Code" and the "Consumer Sales Practices Act."

• **Headings.** Each numbered instruction in OJI has a descriptive title. Within that titled instruction, there are often multiple instructions, or sections, many of which include descriptive titles, as well as possible sub-sections with their own headings.

• **Example of title of civil instruction:**

CV 417.01 Standard of care: physician/surgeon

• **Example of title of civil section heading:**

CV 417.01 Standard of care: physician/surgeon, § 1. INTRODUCTION.

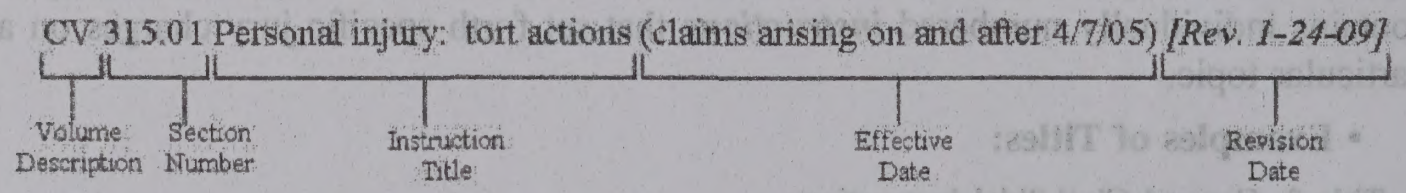
• **Example of title of criminal instruction:**

CR 521.31 Obstructing official business R.C. 2921.31

• **Example of title of criminal section heading:**

CR 521.31 Obstructing official business R.C. 2921.31, § 2. PRIVILEGE.

• **Instruction heading diagram.** The descriptive title of each instruction is comprised of several important pieces of information. A diagram of an example instruction heading and descriptions of the head pieces includes:



• **Volume description.** Two letters will indicate whether an instruction is included in the civil (CV) or criminal (CR) volume of *OJI*.

• **Section number.** The first three digits of the section number indicate the chapter in which the instruction is located. The digits following the decimal point indicate where in the chapter the instruction is located. Criminal instructions generally mirror the criminal statutory scheme set forth in the Ohio Revised Code.

• **Instruction title.** Each numbered instruction in *OJI* has a descriptive title.

• **Effective date.** Users should note that there are often multiple versions of an instruction corresponding to select dates of applicability. These multiple versions are arranged chronologically by ***effective date***. For example, amendments to or judicial interpretation of a criminal statute may necessitate different versions of an instruction explaining different elements or definitions. The ***effective date*** of an instruction is indicated in a parenthetical accompanying its title.

• When a **significant substantive change** has occurred, such as a change in the elements of a crime, there will be a separate instruction covering the time period involved, which will result in *multiple instructions* separated by their distinct effective dates.

• **Example:**

CR 503.02 Murder R.C. 2903.02 (offenses committed on and after 9/6/96 but before 6/30/98) and CR 503.02 Murder R.C. 2903.02 (offenses committed on and after 6/30/98) *[Rev. 2/24/07]*

• When a **minor change** has occurred, the change will be reflected *within* the text of *one* instruction, with a parenthetical indication of the effective date of the change.

• **Example:**

CV 451.19 Affirmative defenses, § 4. UNFORSEEABLE USE OF PRODUCT (Common law claims only arising before 4/7/05).

• **Revision date.** More recent instruction titles are followed by an italicized and bracketed indication of when the Ohio Jury Instructions Committee last drafted or revised that instruction. Users are cautioned that instructions can quickly become outdated due to changes in statutes and case law. Additional research to validate whether any given instruction is up to date is recommended.

• **Example:**

CV 453.01 Tortious interference with business relations *[Rev. 2/23/08]*

• **Use of (ADDITIONAL).** Section headings may be accompanied by the parenthetical characterization "ADDITIONAL." The use of "(ADDITIONAL)" means that the trial judge *should* read and submit the instruction to the jury only when it is applicable or required based on the specific circumstances or facts of the case involved.

• **Example:**

CV 517.07 Collateral in possession of secured party R.C. 1309.27 [UCC § 9-207] *[Rev. 2/24/07]*, § 3. FUNGIBLE (ADDITIONAL).

• **Use of (OPTIONAL).** Section headings may be accompanied by the parenthetical characterization "OPTIONAL." "OPTIONAL" instructions may be used to further define or amplify an existing instruction. The use of "(OPTIONAL)" means that the trial judge *may* read and submit the instruction to the jury when it is applicable based on the specific circumstances or facts of the case involved. Inclusion of an "OPTIONAL" instruction is at the discretion of the trial judge.

• **Example:**

CV 417.01 Standards of care: physician/surgeon [*Rev. 3/28/09*], § 7. FREEDOM FROM NEGLIGENCE (OPTIONAL).

• **Sections within instruction.** Each instruction in OJI is usually broken into numbered sections, which can be further broken into lettered subsections. Often this will track statutory numbering and lettering. For example, subsections in a criminal instruction may include (A), (B), and (D)—skipping (C) if the statutory (C) does not constitute an offense. Definitional sections always follow the order in which the terms were first used in the body of the preceding instruction.

• **Need to fill in blanks.** Within a section of an instruction, there may be places where a blank exists. Users must fill in the blanks with the applicable information arising from the circumstances and facts of the case involved.

• **Example:**

CV 425.03 Negligence in proprietary functions, § 1(B). IDENTIFYING A PROPRIETARY FUNCTION. The decision whether a particular activity relates to a proprietary function is a matter of law for the court. I instruct you that _____ is a proprietary function (and that _____ is not a proprietary function).

• **Example of actual instruction given to jury:**

The decision whether a particular activity relates to a proprietary function is a matter of law for the court. I instruct you that selling used computers is a proprietary function and that awarding contracts for the construction of roads is not a proprietary function.

• **Parenthetical alternatives.** Within a section of an instruction, there may be two or more possible choices presented as alternative content contained within separate parentheses. Sometimes the alternatives indicate possible choices that will have to be made so that the instruction matches the circumstances and facts of the case involved. Inapplicable choices should never be presented to the jury. At other times, the alternatives will indicate possible choices between content that mean the same thing; the trial judge should select the most clear or most easily understood choice. In written instructions distributed to a jury, the trial judge should delete the use of parentheses and instead simply include only the applicable word or words selected.

• **Example:**

CV 401.07 Foreseeability *[Rev. 1/10/04]*, § 1. GENERAL. In deciding whether (reasonable) (ordinary) care was used, you will consider whether (the defendant) (either party) in question should have foreseen under the circumstances that the likely result of an act or failure to act would cause some (injury) (damage).

• **Example of actual instruction given to jury:**

In deciding whether reasonable care was used, you will consider whether the defendant in question should have foreseen under the circumstances that the likely result of an act or failure to act would cause some injury.

• **Parenthetical language.** Within a suggested instruction, there may be language contained in parentheses that is not an alternative content choice, but is instead content that the trial judge should read and submit to the jury only when it is applicable or required based on the specific circumstances or facts of the case involved. This parenthetical language serves the same function as model instructions contained in sections headings containing the use of "(ADDITIONAL)" as explained above. Because the parenthetical language is often less than a sentence, it has not received its own section heading.

• **Example:** If you find that the state proved beyond a reasonable doubt all the essential elements of the offense of _____, your verdict must be guilty (as to one or more of the defendants, according to your findings).

• **Multiple parentheticals.** Parentheses usually indicate two or more possible choices presented as alternative content. Sometimes, however, multiple parentheticals indicate two or more units of thought that, by virtue of necessary sentence structure, fall as back-to-back parentheticals, not all of which are alternatives to one another. The last

parenthetical(s) may require another selection between distinct alternatives or, as shown below, it may require insertion of a distinct unit of thought.

- **Example:**

The defendant caused the death of (*insert name of victim*) as a proximate result of (committing) (attempting to commit) (*insert name of offense of violence*).

• **Italics.** Similar to the use of blanks, when content is placed in italics, a user must supply the specific necessary content.

- **Example:**

CV 453.07 Tortious Interference with expectancy of inheritance *[Rev. 12/5/09]*, § 1. GENERAL. The plaintiff claims that the defendant intentionally interfered with his/her/its expectancy of inheritance from (*insert name of decedent*) and that the plaintiff was damaged as a result.

• **Presentation of alternatives.** Depending upon the circumstances and facts of the case involved, there is often a need to present alternative instructions to a jury. Alternative instructions are separated by "(*or*)." When the trial judge should select only one of a number of possible alternative instructions, italicized language preceding the list of choices directs the judge to "(*Use appropriate alternative*)." When there is a possible need to read and submit more than one alternative to the jury, italicized language preceding the list of choices directs the trial judge to "(*Use appropriate alternative[s]*)."

- **Example:**

CV 433.01 Right of publicity in individual's persona R.C. Chapter 2741 (claims arising on and after 11/22/99) *[Rev. 5/8/10]*, § 4. COMMERCIAL PURPOSE. "Commercial purpose" means the use of or reference to an aspect of an individual's (name) (voice) (signature) (photograph) (image) (likeness) (distinctive appearance)

(*Use appropriate alternative[s]*)

(A) on or in connection with a place, product, merchandise, goods, services, or other commercial activities;

(*or*)

(B) for advertising or soliciting the purchase of products, merchandise, goods, services, or other commercial activities;

(*or*)

(C) for the purpose of promoting travel to a place;

(*or*)

(D) for the purpose of fundraising.

- **Example of actual instruction given to jury:**

"Commercial purpose" means the use of or reference to an aspect of an individual's distinctive appearance for advertising or soliciting the purchase of products, merchandise, goods, services, or other commercial activities.

• **Comments.** *OJI* frequently includes material set out under the heading of a "COMMENT." Comments generally include references to statutory and case law

authority that provide the source for the model instruction given. Other content included as commentary can include explanations by the Ohio Jury Instructions Committee for a model instruction, suggestions for the trial judge, and indications of what by consensus the Committee believes in regard to an instruction. Comments may also contain material explaining the applicability or limitations of an instruction. The research reflected in a comment should not be considered exhaustive and cannot be relied upon as the most current authority on the issue dealt with by the instruction. No material under a "COMMENT" heading should ever be read or submitted to the jury.

• **Use of "Drawn from."** "Drawn from" is used when the text of the instruction follows the language in the cited authority but not verbatim.

• **Example:**

CV 617.03 Invitee; business visitor *[Rev. 10/9/09]*, § 4. OPEN AND OBVIOUS.

COMMENT

Drawn from *Armstrong v. Best Buy Co. Inc.*, 99 Ohio St.3d 79, 2003-Ohio-2573; *Simmers v. Bentley Constr. Co,* 64 Ohio St.3d 642, 1992-Ohio-42. The "open and obvious" doctrine remains a viable part of Ohio law. The split among the appellate courts is effectively reconciled by the "attendant circumstances" exception to the doctrine. Both instructions ("open and obvious" and "attendant circumstances") should be given whenever the trial court has decided to instruct on "open and obvious."

In *Robinson v. Bates*, 112 Ohio St.3d 17, 2006-Ohio-6362, the Court held that, although the open and obvious doctrine can excuse a defendant's breach of a common-law duty of care, it does not override statutory duties because the violation of a statutory duty constitutes negligence per se. In *Lang v. Holly Hill Motel, Inc.*, 122 Ohio St.3d 120, 2009-Ohio-2495, the Court held that the open and obvious doctrine may be asserted as a defense to a claim of liability arising from a violation of the Ohio Basic Building Code because administrative rule violations do not constitute negligence per se.

• **Definitions.** When an instruction uses a term or terms that need to be defined for a jury, a subsequent numbered section or subsection in that instruction provides either the definition or a reference to elsewhere in *OJI* or in the Ohio Revised Code where the definition to be read and submitted to the jury exists.

• **Examples:**

CV 453.07 Tortious interference with expectancy of inheritance, § 6. UNDUE INFLUENCE. "Undue influence" means that which overpowers the will of a person and induces him/her into making a distribution of his/her property that he/she would not have made if left to act freely and according to his/her own plans and desires.

CV 453.07 Tortious interference with expectancy of inheritance, § 7. REASONABLY CERTAIN. OJI-CV 315.01 (offenses committed on and after 4/7/05) § 10.

• **Verdict forms.** *OJI* includes some suggested templates for verdict forms, often set forth at the end of a particular instruction.

• **Interrogatories.** *OJI* sometimes includes model interrogatories. Generally, these are provided when interrogatories are required by statute or case law. Depending upon the

facts of the case and the number and identity of the parties, interrogatories may need to be modified, and judges should thoroughly examine and, if necessary, edit the interrogatories before submitting them to a jury.

• **Language and style.** When pronoun usage depends upon the gender-specific (or neutral) selection of content, *OJI* indicates the possible choices by using "he/she/it" or "his/her/its." In selecting the applicable pronoun, the trial judge may elect to modify proposed choices to use gender-neutral language as appropriate. When the appropriate form of an article depends on the selection of content, *OJI* indicates the possible options by using "a/an." The trial judge should select the applicable article and not provide the jury with both article options.

• **Other explanatory material.** Primarily intended for new judges and practitioners, *OJI* includes several sections discussing how to conduct a jury trial, including checklists and sample instructions. This material is set forth at Title 1 and Title 2 of both volumes.

• **Citation within *OJI*.** *OJI* adheres to the *Ohio Manual of Citations*. Where the *Manual* does not provide guidance on citation form, *OJI* then follows *The Bluebook: A Uniform System of Citation.*

• **Citation of *OJI*.** In the state courts of Ohio, users should follow the *Ohio Manual of Citations* when citing *OJI*.

• **Example:**

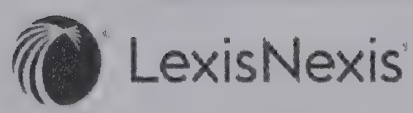
Ohio Jury Instructions, CV Section 537.17 (Rev. Dec. 10, 2011)

• **Contributing suggestions to *OJI*.** The Committee welcomes input from both bench and bar. Proposed instructions or communications raising specific concerns that are supported by existing law or its interpretation may be submitted in writing through the Ohio Judicial Conference or members of the Committee.

OHIO
JURY INSTRUCTIONS

A collection of STANDARD JURY INSTRUCTIONS in civil and criminal cases prepared by the Jury Instructions Committee of the Ohio Judicial Conference.

CIVIL INSTRUCTIONS
GENERAL
SPECIAL TOPICS



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PREFACE TO OHIO JURY INSTRUCTIONS

This preface introduces a new revised edition of the Ohio Jury Instructions (OJI) reorganized into self-contained civil and criminal volumes. The former Volume 1 "General Instructions" has been eliminated. Applicable general instructions are included in the civil and criminal volumes. There is one civil volume, now organized by general subject matter areas, and one criminal volume; however, there are three binders. The criminal volume is contained in two binders with a separate tab for "Traffic" offenses.

The purpose of the reorganization is to simplify use of OJI by judges and practitioners. Users will no longer have to switch back and forth between the current Volume 1 "General Instructions" and the substantive instructions contained in the remaining volumes. Also, the numbering of all instructions has been revised and simplified. Instructions will now be identified as "CV"(Civil) and "CR"(Criminal). For example, current 4 OJI 503.01, dealing with Aggravated Murder, becomes CR 503.01. A "Correlation Table" is included in each volume containing previous and new section numbers. Both volumes have newly designed, slightly larger loose-leaf binders. The format of individual instructions has not changed.

COMMENT

These first two paragraphs summarize the current reorganization. The balance of the preface provides historical perspective.

Ohio Jury Instructions, commonly called "OJI", was originally the project of Judges Robert L. McBride and Eugene R. McNeill. Its purpose was to present, in the same place in a single set of books, the instructions prepared by judges along with specific examples of such instructions, as well as others that were given in actual cases. The project was a joint effort of the Ohio Judicial Conference and the Ohio Common Pleas Judges Association. It was believed that the Bench and the Bar of Ohio should have the benefit, as well as the economy and convenience, of having all jury instruction material in one place in a single set of books. The jury instruction committee was composed exclusively of judges. In the event that the Committee was unable to develop a "standard" instruction, instructions were provided from individual cases. In theory, this method of combined presentation permitted the Committee to take the time required to develop its "standard" material through provisional drafts and experimental use prior to publication. The consensus among OJI Committee members was that the work of an individual judge would always be helpful until such time as "standard" instructions were developed.

Then, as now, the copyright was owned by the Ohio Judicial Conference, thereby providing for the permanent supervision by the judiciary of the development and publication of the OJI jury instructions.

It was the hope of all parties involved in 1958 that the Ohio Jury Instructions (OJI) would be helpful to the Bench and to the Bar and that the usefulness of the work would improve over the years with the continued cooperation of those interested in the instructional administration of the judicial system in the State of Ohio.

PREFACE TO OHIO JURY INSTRUCTIONS

COMMENT

Drawn from "THE NEW OJI" by Robert L. McBride, Chairman, and Eugene R. McNeill, Vice Chairman.

In 1960, a "*Standard Civil Outline*—Negligence" was released. A companion criminal outline followed in 1962. The responsibility for publication of the instructions was assigned to the Ohio Judicial Conference to relieve the Ohio Common Pleas Judges Association of the printing, sale and distribution of the material.

A standard or pattern jury instruction is a brief, accurate, and complete statement in simple and understandable language covering a single situation, purpose, or point of law. Interest and comprehension by the jury are the first considerations. Technical expressions of decision, partisan language, and references to evidence are eliminated. Exceptional situations are set out separately for use when required by special facts. The Committee recognizes the necessity for direct and simple English. "A court in considering the propriety of any jury instruction must always bear in mind that the purpose of the jury instruction is to clarify the issues and the jury's position in the case. It must be remembered that juries are composed of ordinary people on the street, not trained grammarians, and that fine distinctions in the meaning of words or phrases are not ordinarily recognized by the average layperson. Thus, in considering the propriety of any instruction, the meaning of the words used in the instruction must be thought of in their common meaning to the layperson and not what such words mean to the grammarian or to the trained legal mind." *Bahm v. Pittsburgh & Lake Erie RR. Co.* (1966), 6 Ohio St.2d 192.

COMMENT

Drawn from *Preface to Volume I—1968.*

Three types of instruction appeared in OJI: (1) the "standard" or "pattern" instruction, though not necessarily titled as such; (2) the "approved" instruction, which is an instruction found in a particular case, and (3) the "new" instruction, which is a pattern instruction recommended by the Committee, but which has not yet withstood the test of time. OJI no longer uses these titles.

COMMENT

Drawn from *Preface to Volume I—1983.*

In January 1987, the Ohio Jury Instructions Committee reorganized itself and adopted a plan for the revision of the civil instructions. Under the reorganization, the Committee consisted of an editorial board composed of trial and appellate judges with final approval of all material to be published in OJI, and the writing committees appointed ad hoc to draft new material and revisions. The Board also employed a law professor as an editorial consultant, whose task was to review all drafts, to evaluate their accuracy and scope, and to assure conformity with the Committee's Style Manual. The writing committees were composed of experienced and knowledgeable persons from the judicial, practicing, and academic branches of the profession, under the supervision of a member of the Editorial Board.

It was during this phase in the development of OJI that the use of Comments was broadened to advise OJI users of many matters deemed to be of major significance. During this phase, the

Committee designated as "PROVISIONAL" those instructions published to be of assistance to the Bench and Bar of Ohio, but (of necessity) without specific judicial approval. OJI no long designates instructions as "PROVISIONAL". During this general time period, a software version of OJI became available for various personal computers.

COMMENT

Drawn from *"Preface to Ohio Jury Instructions—1993."*

In the words of former Chair Robert B. Ford, "ever shorter, ever plainer, ever fairer, this is the mission of OJI." Although it is easy to state the goal, it is difficult to attain it. In Ohio, pattern jury instructions are not "pre-approved" by appellate courts. Therefore, it is sometimes difficult to use "plain English" because the Committee is required to use statutory and case law language in drafting instructions. The law is also evolving, and the ever-increasing number of statutes and cases constantly increases the volume of the Committee's work.

The Committee has divided into Civil and Criminal Subcommittees and developed an informal protocol in order to meet the need for more and more instructions. The Ohio State Bar Association and its jury instructions committee have joined with the Ohio Judicial Conference in the ongoing effort to enhance this product. The combined effort has already generated numerous quality instructions, both civil and criminal. Multiple drafting committees using the talents of both Bench and Bar are now in place to draft and modify instructions. Other such drafting committees will be formed as needed.

Enhanced technology has also found its way into OJI. Most, if not all, of the OJI Committee's members have laptop computers to aid their efforts. Use of projection and internet technology at subcommittee meetings has greatly enhanced the editing process. At present, OJI is published in print and CD versions by LexisNexis and on-line versions by LexisNexis, Westlaw, and Casemaker, thereby maximizing user access.

And so it goes . . . evolving, hopefully improving . . . .

Volume 1 Table of Contents

A COMPLETE SYNOPSIS FOR EACH CHAPTER APPEARS AT THE BEGINNING OF THE CHAPTER

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- Sixth Circuit Criminal Handbook
- Search and Seizure
- Criminal Defense Techniques

Education Law

- Anderson's Ohio School Law Guide
- Anderson's Ohio School Law Manual
- Anderson's Ohio School Finance
- Rapp, Education Law

Environmental Law

- Anderson's OhioEPA Laws and Regulations with CD-ROM
- Environmental Law Practice Guide
- Brownfields Law and Practice
- Grad, Treatise on Environmental Law

Elder, Estate, Gift and Trust Law

- Anderson's Ohio Probate Law Handbook
- Anderson's Ohio Probate Practice and Procedure
- Anderson's The Simple Will in Ohio
- Anderson's Ohio Elder Law Practice Manual
- Modern Estate Planning
- Tax, Estate & Financial Planning for the Elderly
- Murphy's Will Clauses: Annotations and Forms with Tax Effects

Evidence

- Weissenberger's Ohio Evidence Treatise
- Weissenberger's Ohio Evidence Courtroom Manual
- Weinstein's Federal Evidence

Family Law

- Anderson's Ohio Family Law Handbook
- Anderson's Ohio Juvenile Law Handbook
- Anderson's Ohio Family Law
- Anderson's Ohio Domestic Relations Practice Manual
- Family Law & Practice
- Lindey & Parley on Separation Agreements & Antenuptial Contracts 2d Ed.

Forms

- Anderson's Ohio Online Forms
- Anderson's Ohio Forms on CD-ROM
- Ohio Forms of Pleading and Practice
- Ohio Forms of Pleading and Practice on CD-ROM
- Ohio Transaction Guide
- Ohio Transaction Guide on CD-ROM
- Couse's Ohio Form Book
- Anderson's Legal Forms

Insurance Law

- Anderson's Ohio Insurance Law Handbook
- Appleman on Insurance
- Law of Liability Insurance
- Law of Life and Health Insurance

Jury Instructions

- Ohio Jury Instructions
- Ohio Jury Instructions on CD-ROM

Labor & Employment Law

- Anderson's Ohio Employment Law Handbook
- Employment in Ohio: A Guide to Employment Laws, Regulations and Practice

- Labor and Employment Law
- Larson on Employment Discrimination

Personal Injury

- Damages in Tort Actions
- Medical Malpractice
- Personal Injury: Actions, Defenses, Damages

Real Estate Law

- Anderson's Ohio Real Estate Law Handbook
- Anderson's Ohio Residential Real Estate Manual
- Ohio Real Property Law and Practice
- Construction Law
- Nichols on Eminent Domain
- Powell on Real Property

Securities Law

- Anderson's Ohio Securities Law Handbook
- Anderson's Ohio Securities Law and Practice
- Anderson's Ohio Investment Adviser Manual
- Blue Sky Regulation
- Federal Securities Act of 1933
- Federal Securities Exchange Act of 1934
- Investment Advisers: Law and Compliance
- Securities Law Techniques

Shepard's

- Shepard's Ohio Citations

Tax Law

- Anderson's Ohio Tax Law Handbook
- Federal Income Taxation of Corporations Filing Consolidated Returns
- Federal Tax Practice & Procedure
- How to Save Time & Taxes Preparing Fiduciary Income Tax Returns

Workers' Compensation and SSDI

- Anderson's Ohio Workers' Compensation Law Handbook
- Fulton's Ohio Workers' Compensation Law
- Larson's Workers' Compensation, Desk Edition
- Social Security Practice Guide

CIVIL INSTRUCTIONS CORRELATION TABLE

Previous Instruction Number	New Edition Instruction Number
1.01	OJI-CV 101.01
1.03	OJI-CV 101.03
1.05	OJI-CV 101.05
1.07	OJI-CV 101.07
1.09	OJI-CV 101.09
1.11	OJI-CV 101.11
1.13	OJI-CV 101.13
1.15	OJI-CV 101.15
1.17	OJI-CV 101.17
1.19	OJI-CV 101.19
1.21	OJI-CV 101.21
1.23	OJI-CV 101.23
1.25	OJI-CV 101.25
1.27	OJI-CV 101.27
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1.31	OJI-CV 101.31
1.33	OJI-CV 101.33
1.35	OJI-CV 101.35
1.37	OJI-CV 101.37
1.39	OJI-CV 101.39
1.41	OJI-CV 101.41
1.43	OJI-CV 101.43
1.45	OJI-CV 101.45
1.47	OJI-CV 101.47
1.49	OJI-CV 101.49
1.51	OJI-CV 101.51
1.53	OJI-CV 101.53
1.55	OJI-CV 101.55
1.57	OJI-CV 101.57
1.59	OJI-CV 101.59
1.61	OJI-CV 101.61
1.63	OJI-CV 101.63
1.65	OJI-CV 101.65
1.67	OJI-CV 101.67
1.69	OJI-CV 101.69
1.71	OJI-CV 101.71
1.73	OJI-CV 101.73
1.75	OJI-CV 101.75
1.77	OJI-CV 101.77
1.79	OJI-CV 101.79
1.81	OJI-CV 101.81
1.83	OJI-CV 101.83

Previous Instruction Number	New Edition Instruction Number
1.85	OJI-CV 101.85
1.87	OJI-CV 101.87
2.01	OJI-CV 301.01
2.10	OJI-CV 301.03
2.20	OJI-CV 301.05
2.21	OJI-CV 301.07
2.25	OJI-CV 309.13
2.50	OJI-CV 309.15
2.51	OJI-CV 309.17
2.52	OJI-CV 301.09
2.53	OJI-CV 301.11
2.60	OJI-CV 309.05
2.61	OJI-CV 309.19
2.62	OJI-CV 309.21
2.65	OJI-CV 309.23
2.67	OJI-CV 309.25
3.01	OJI-CV 311.01
3.05	OJI-CV 303.01
3.10	OJI-CV 303.03
3.50	OJI-CV 303.05
3.75	OJI-CV 303.07
5.10	OJI-CV 305.01
5.13	OJI-CV 309.01
5.15	OJI-CV 309.03
5.20	OJI-CV 305.03
5.30	OJI-CV 305.05
5.31	OJI-CV 309.07
5.50	OJI-CV 309.09
5.70	OJI-CV 309.11
5.92	OJI-CV 311.09
7.10	OJI-CV 401.01
7.11	OJI-CV 401.03
7.12	OJI-CV 401.05
7.13	OJI-CV 401.07
7.14	OJI-CV 401.09
7.15	OJI-CV 401.11
7.17	OJI-CV 401.13
7.18	OJI-CV 401.15
7.19	OJI-CV 401.17
7.20	OJI-CV 401.19
7.25	OJI-CV 401.21
7.26	OJI-CV 401.23
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Previous Instruction Number	New Edition Instruction Number
7.29	OJI-CV 401.29
7.30	OJI-CV 401.31
7.35	OJI-CV 401.33
7.70	OJI-CV 401.35
7.71	OJI-CV 401.37
7.80	OJI-CV 401.39
7.90	OJI-CV 401.41
9.13 (claims arising on and after 4/9/03)	OJI-CV 403.01 (claims arising on and after 4/9/03)
9.13 (claims arising before 1/5/88)	OJI-CV 403.01 (claims arising before 1/5/88)
9.13 (claims arising on and after 1/5/88 but before 4/9/03)	OJI-CV 403.01 (claims arising on and after 1/5/88 but before 4/9/03)
9.15 (claims arising on and after 4/9/03)	OJI-CV 403.03 (claims arising on and after 4/9/03)
9.15 (claims arising before 1/5/88)	OJI-CV 403.03 (claims arising before 1/5/88)
9.15 (claims arising on and after 1/5/88 but before 4/9/03)	OJI-CV 403.03 (claims arising on and after 1/5/88 but before 4/9/03)
9.17 (claims arising on and after 4/9/03)	OJI-CV 403.05 (claims arising on and after 4/9/03)
9.17 (claims arising on and after 1/5/88 but before 4/9/03)	OJI-CV 403.05 (claims arising on and after 1/5/88 but before 4/9/03)
9.19 (claims arising on and after 4/9/03)	OJI-CV 403.07 (claims arising on and after 4/9/03)
9.19 (claims arising on and after 1/5/88 but before 4/9/03)	OJI-CV 403.07 (claims arising on and after 1/5/88 but before 4/9/03)
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9.60	OJI-CV 403.11
9.70	OJI-CV 403.13
11.10	OJI-CV 405.01
11.20	OJI-CV 405.03
11.30	OJI-CV 405.05
13.01	OJI-CV 617.01
13.03	OJI-CV 617.03
13.05	OJI-CV 617.05
13.07	OJI-CV 617.07
13.09	OJI-CV 617.09
13.11	OJI-CV 617.11
13.13	OJI-CV 617.13
13.15	OJI-CV 617.15
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13.21	OJI-CV 617.21
15.10	OJI-CV 423.01

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15.50	OJI-CV 423.09
15.51	OJI-CV 423.11
15.52	OJI-CV 423.13
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17.00	OJI-CV 311.03
17.05	OJI-CV 311.05
17.11	OJI-CV 311.07
17.13	OJI-CV 311.11
17.15	OJI-CV 311.13
17.16	OJI-CV 311.15
17.20	OJI-CV 311.17
17.30	OJI-CV 311.19
17.40	OJI-CV 311.21
17.50	OJI-CV 311.23
17.60	OJI-CV 311.25
17.70	OJI-CV 311.27
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21.10	OJI-CV 313.01
21.20	OJI-CV 313.03
21.30	OJI-CV 313.05
23.01 (claims arising before 4/9/03)	OJI-CV 315.01 (claims arising before 4/9/03)
23.01 (claims arising on and after 4/7/05)	OJI-CV 315.01 (claims arising on and after 4/7/05)
23.01 (claims arising on and after 4/9/03 but before 4/7/05)	OJI-CV 315.01 (claims arising on and after 4/9/03 but before 4/7/05)
23.02	OJI-CV 315.03
23.04	OJI-CV 315.05
23.05	OJI-CV 315.07
23.07	OJI-CV 315.09
23.08	OJI-CV 315.11
23.09	OJI-CV 315.13
23.10	OJI-CV 315.15
23.20	OJI-CV 315.17
23.40	OJI-CV 315.19
23.41	OJI-CV 315.21
23.42	OJI-CV 315.23
23.43	OJI-CV 315.25
23.50	OJI-CV 315.27
23.55	OJI-CV 315.29
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Previous Instruction Number	New Edition Instruction Number
23.57	OJI-CV 315.33
23.60	OJI-CV 315.35
23.71 (claims arising on and after 1/5/88 but before 4/7/05)	OJI-CV 315.37 (claims arising on and after 1/5/88 but before 4/7/05)
23.71 (claims arising on and after 4/7/05)	OJI-CV 315.37 (claims arising on and after 4/7/05)
23.72	OJI-CV 315.39
23.75	OJI-CV 315.41
23.76	OJI-CV 315.43
23.77	OJI-CV 315.45
23.90	OJI-CV 315.47
23.91	OJI-CV 315.49
23.92	OJI-CV 315.51
23.93	OJI-CV 315.53
25.10	OJI-CV 317.01
25.20	OJI-CV 317.03
25.30	OJI-CV 317.05
25.40	OJI-CV 317.07
27.01	OJI-CV 319.01
27.05	OJI-CV 319.03
27.10	OJI-CV 319.05
27.50	OJI-CV 319.07
200.01	OJI-CV 435.01
200.03	OJI-CV 435.03
200.05	OJI-CV 435.05
217.01	OJI-CV 409.01
217.03	OJI-CV 409.03
217.05	OJI-CV 409.05
217.07	OJI-CV 409.07
219.01	OJI-CV 429.01
219.02	OJI-CV 429.03
219.03	OJI-CV 429.05
219.05	OJI-CV 429.07
219.07	OJI-CV 429.09
219.09	OJI-CV 429.11
225.01	OJI-CV 411.01
225.02	OJI-CV 411.03
225.03	OJI-CV 411.05
225.04	OJI-CV 411.07
225.05	OJI-CV 411.09
225.07	OJI-CV 411.11
225.08	OJI-CV 411.13
225.12	OJI-CV 411.15
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225.131	OJI-CV 411.19
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225.201	OJI-CV 411.29
225.202	OJI-CV 411.31
225.21	OJI-CV 411.33
225.22	OJI-CV 411.35
225.25	OJI-CV 411.37
225.251	OJI-CV 411.39
225.26	OJI-CV 411.41
225.27	OJI-CV 411.43
225.28	OJI-CV 411.45
225.29	OJI-CV 411.47
225.30	OJI-CV 411.49
225.31	OJI-CV 411.51
225.32	OJI-CV 411.53
225.33	OJI-CV 411.55
225.34	OJI-CV 411.57
225.35	OJI-CV 411.59
225.36	OJI-CV 411.61
225.37	OJI-CV 411.63
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225.39	OJI-CV 411.67
225.40	OJI-CV 411.69
225.41	OJI-CV 411.71
225.42	OJI-CV 411.73
225.43	OJI-CV 411.75
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225.441	OJI-CV 411.81
225.45	OJI-CV 411.83
225.451	OJI-CV 411.85
225.452	OJI-CV 411.87
225.46	OJI-CV 411.89
225.47	OJI-CV 411.91
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227.02	OJI-CV 411.107
227.021	OJI-CV 411.109
227.03	OJI-CV 411.111
229.01	OJI-CV 629.01
229.02	OJI-CV 629.03
239.01	OJI-CV 605.01
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239.07	OJI-CV 605.07
239.09	OJI-CV 605.09
245.01	OJI-CV 407.01
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245.15	OJI-CV 407.15
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247.01	OJI-CV 713.01
252.01	OJI-CV 447.01
253.01	OJI-CV 501.01
253.03	OJI-CV 501.03
253.05	OJI-CV 501.05
253.07	OJI-CV 501.07
253.09	OJI-CV 501.09
253.11	OJI-CV 501.11
253.13	OJI-CV 501.13
253.15	OJI-CV 501.15
253.17	OJI-CV 501.17
253.19	OJI-CV 501.19
253.21	OJI-CV 501.21
253.23	OJI-CV 501.23
253.24	OJI-CV 501.25
253.25	OJI-CV 501.27
253.26	OJI-CV 501.29
253.27	OJI-CV 501.31
253.29	OJI-CV 501.33
253.31	OJI-CV 501.35
253.33	OJI-CV 501.37
253.35	OJI-CV 501.39

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257.01	OJI-CV 625.01
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266.05	OJI-CV 533.05
266.07	OJI-CV 533.07
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301.03	OJI-CV 609.03
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301.09	OJI-CV 609.09
301.11	OJI-CV 609.11
301.13	OJI-CV 609.13
301.15	OJI-CV 609.15
301.17	OJI-CV 609.17
301.19	OJI-CV 609.19
301.21	OJI-CV 609.21
301.23	OJI-CV 609.23
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302.03	OJI-CV 453.05
302.05 (claims arising before 4/09/03)	OJI-CV 537.05 (claims arising before 4/09/03)

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302.05 (claims arising on and after 4/7/05)	OJI-CV 537.05 (claims arising on and after 4/7/05)
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305.01	OJI-CV 437.01
307.01	OJI-CV 449.01
307.03	OJI-CV 449.03
307.05	OJI-CV 449.05
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307.09	OJI-CV 449.09
307.11	OJI-CV 449.11
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309.01	OJI-CV 441.01
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312.09	OJI-CV 425.09
312.11	OJI-CV 425.11
312.13	OJI-CV 425.13
312.15	OJI-CV 425.15
313.01	OJI-CV 637.01
313.03	OJI-CV 637.03
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313.07	OJI-CV 637.07
313.09	OJI-CV 637.09
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315.01	OJI-CV 509.01
315.02	OJI-CV 509.03
315.03	OJI-CV 509.05
315.04	OJI-CV 509.07
317.01	OJI-CV 701.01
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317.13	OJI-CV 701.13
317.15	OJI-CV 701.15
319.01	OJI-CV 415.01
319.03	OJI-CV 415.03
319.05	OJI-CV 415.05
319.07	OJI-CV 415.07
319.09	OJI-CV 415.09
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323.01	OJI-CV 709.01
323.03	OJI-CV 709.03
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323.07	OJI-CV 709.07
323.09	OJI-CV 709.09
323.11	OJI-CV 709.11
323.13	OJI-CV 709.13
323.15	OJI-CV 709.15
323.17	OJI-CV 709.17
323.19	OJI-CV 709.19
323.21	OJI-CV 709.21
323.23	OJI-CV 709.23
323.25	OJI-CV 709.25
323.27	OJI-CV 709.27
323.29	OJI-CV 709.29
323.31	OJI-CV 709.31
323.33	OJI-CV 709.33
323.35	OJI-CV 709.35
323.37	OJI-CV 709.37
323.39	OJI-CV 709.39
323.41	OJI-CV 709.41
323.43	OJI-CV 709.43
323.45	OJI-CV 709.45
323.47	OJI-CV 709.47
323.49	OJI-CV 709.49
323.51	OJI-CV 709.51
323.53	OJI-CV 709.53
323.55	OJI-CV 709.55
323.57	OJI-CV 709.57
323.59	OJI-CV 709.59
323.61	OJI-CV 709.61
323.63	OJI-CV 709.63

Previous Instruction Number	New Edition Instruction Number
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325.01	OJI-CV 413.01
325.03	OJI-CV 413.03
325.05	OJI-CV 413.05
325.07	OJI-CV 413.07
325.09	OJI-CV 413.09
325.11	OJI-CV 413.11
327.01	OJI-CV 613.01
327.03	OJI-CV 613.03
327.05	OJI-CV 613.05
327.07	OJI-CV 613.07
327.11	OJI-CV 613.09
327.13	OJI-CV 613.11
327.15	OJI-CV 613.13
327.17	OJI-CV 613.15
327.19	OJI-CV 613.17
327.21	OJI-CV 613.19
327.23	OJI-CV 613.21
327.25	OJI-CV 613.23
327.27	OJI-CV 613.25
327.29	OJI-CV 613.27
327.31	OJI-CV 613.29
327.33	OJI-CV 613.31
327.35	OJI-CV 613.33
329.01	OJI-CV 529.01
330.01	OJI-CV 439.01
330.03	OJI-CV 439.03
330.05	OJI-CV 439.05
330.07	OJI-CV 439.07
330.09	OJI-CV 439.09
331.01	OJI-CV 417.01
331.03	OJI-CV 417.03
331.05	OJI-CV 417.05
331.07	OJI-CV 417.07
331.09	OJI-CV 417.09
331.11	OJI-CV 417.11
331.13	OJI-CV 417.13
331.15	OJI-CV 417.15
331.17	OJI-CV 417.17
331.19	OJI-CV 417.19
333.01	OJI-CV 421.01
333.03	OJI-CV 421.03
333.05	OJI-CV 421.05
333.07	REMOVED

Previous Instruction Number	New Edition Instruction Number
345.01	OJI-CV 621.01
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345.07	OJI-CV 621.07
345.09	OJI-CV 621.09
345.11	OJI-CV 621.11
345.13	OJI-CV 621.13
348.01	OJI-CV 705.01
348.03(A)	OJI-CV 705.03
348.03(B)	OJI-CV 705.05
348.07	OJI-CV 705.07
348.09	OJI-CV 705.09
348.11	OJI-CV 705.11
348.13	OJI-CV 705.13
348.15	OJI-CV 705.15
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362.31	OJI-CV 505.31
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505.01(A) (offenses committed on and after 7/1/96) [Rev. 1-20-07]	OJI-CR 505.01(A) (offenses committed on and after 7/1/96)
505.01(B) (offenses committed before 7/1/96)	OJI-CR 505.01(B) (offenses committed before 7/1/96)
505.01(B) (offenses committed on and after 7/1/96)	OJI-CR 505.01(B) (offenses committed on and after 7/1/96)
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505.02 (offenses committed on and after 7/1/96)	OJI-CR 505.02 (offenses committed on and after 7/1/96)
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505.05	OJI-CR 505.05

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507.02(A)(1) (offenses committed on and after 3/10/98)	OJI-CR 507.02(A)(1) (offenses committed on and after 3/10/98)
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507.02(A)(2) (offenses committed on and after 7/1/96)	OJI-CR 507.02(A)(2) (offenses committed on and after 7/1/96)
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507.03 (offenses committed on and after 7/1/96)	OJI-CR 507.03 (offenses committed on and after 7/1/96)
507.04 (offenses committed before 7/1/96)	OJI-CR 507.04 (offenses committed before 7/1/96)
507.04 (offenses committed on and after 7/1/96)	OJI-CR 507.04 (offenses committed on and after 7/1/96)
507.05 (offenses committed before 7/1/96)	OJI-CR 507.05 (offenses committed before 7/1/96)
507.05 (offenses committed on and after 7/1/96 but before 3/10/98)	OJI-CR 507.05 (offenses committed on and after 7/1/96 but before 3/10/98)
507.05 (offenses committed on and after 3/10/98)	OJI-CR 507.05 (offenses committed on and after 3/10/98)
507.06 (offenses committed before 7/1/96)	OJI-CR 507.06 (offenses committed before 7/1/96)
507.06 (offenses committed on and after 7/1/96)	OJI-CR 507.06 (offenses committed on and after 7/1/96)
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507.07 (offenses committed on and after 7/31/03)	OJI-CR 507.07 (offenses committed on and after 7/31/03)

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507.09 (offenses committed on and after 9/26/05)	OJI-CR 507.09 (offenses committed on and after 9/26/05)
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507.12(A)(2) (offenses committed before 9/3/96)	OJI-CR 507.12(A)(2) (offenses committed before 9/3/96)
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507.22 (offenses committed on and after 7/1/96)	OJI-CR 507.22 (offenses committed on and after 7/1/96)
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507.25 (offenses committed before 7/1/96)	OJI-CR 507.25 (offenses committed before 7/1/96)
507.31 (offenses committed before 7/1/96)	OJI-CR 507.31 (offenses committed before 7/1/96)
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507.33	OJI-CR 507.33
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507.34(B) (offenses committed before 7/1/96)	OJI-CR 507.34(B) (offenses committed before 7/1/96)
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507.42 (offenses committed on and after 7/1/96)	OJI-CR 507.42 (offenses committed on and after 7/1/96)
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507.53(C)	OJI-CR 507.53(C)

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507.322 (offenses committed on and after 7/1/96)	OJI-CR 507.322 (offenses committed on and after 7/1/96)
507.323 (offenses committed before 7/1/96)	OJI-CR 507.323 (offenses committed before 7/1/96)
507.323 (offenses committed on and after 7/1/96)	OJI-CR 507.323 (offenses committed on and after 7/1/96)
509.02 (offenses committed before 7/1/96)	OJI-CR 509.02 (offenses committed before 7/1/96)
509.02 (offenses committed on and after 7/1/96)	OJI-CR 509.02 (offenses committed on and after 7/1/96)
509.03 (offenses committed before 7/1/96)	OJI-CR 509.03 (offenses committed before 7/1/96)
509.03 (offenses committed on and after 7/1/96)	OJI-CR 509.03 (offenses committed on and after 7/1/96)
509.04 (offenses committed before 7/1/96)	OJI-CR 509.04 (offenses committed before 7/1/96)
509.04 (offenses committed on and after 7/1/96)	OJI-CR 509.04 (offenses committed on and after 7/1/96)
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509.05(A) (offenses committed on and after 9/30/98)	OJI-CR 509.05(A) (offenses committed on and after 9/30/98)
509.05(B) (offenses committed before 7/1/96)	OJI-CR 509.05(B) (offenses committed before 7/1/96)
509.05(B) (offenses committed on and after 7/1/96 but before 9/30/98)	OJI-CR 509.05(B) (offenses committed on and after 7/1/96 but before 9/30/98)
509.05(B) (offenses committed on and after 9/30/98)	OJI-CR 509.05(B) (offenses committed on and after 9/30/98)
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509.05(D) (offenses committed before 7/1/96)	OJI-CR 509.05(D) (offenses committed before 7/1/96)
509.05(D) (offenses committed on and after 7/1/96)	OJI-CR 509.05(D) (offenses committed on and after 7/1/96)
509.06 (offenses committed before 7/1/96)	OJI-CR 509.06 (offenses committed before 7/1/96)
509.06 (offenses committed on and after 7/1/96)	OJI-CR 509.06 (offenses committed on and after 7/1/96)
509.07 (offenses committed before 7/1/96)	OJI-CR 509.07 (offenses committed before 7/1/96)
509.07 (offenses committed on and after 7/1/96)	OJI-CR 509.07 (offenses committed on and after 7/1/96)
509.08 (offenses committed before 7/1/96)	OJI-CR 509.08 (offenses committed before 7/1/96)
509.08 (offenses committed on or after 7/1/96)	OJI-CR 509.08 (offenses committed on or after 7/1/96)
509.22	OJI-CR 509.22
509.23	OJI-CR 509.23
509.24	OJI-CR 509.24
511.01(A)	OJI-CR 511.01(A)
511.01(B)	OJI-CR 511.01(B)
511.02	OJI-CR 511.02
511.11	OJI-CR 511.11
511.12	OJI-CR 511.12
511.13(A)	OJI-CR 511.13(A)
511.13(B)	OJI-CR 511.13(B)
511.21	OJI-CR 511.21
511.31	OJI-CR 511.31
511.32	OJI-CR 511.32
511.211	OJI-CR 511.211
513.02 (offenses committed before 7/1/96)	OJI-CR 513.02 (offenses committed before 7/1/96)
513.02 (offenses committed on and after 7/1/96)	OJI-CR 513.02 (offenses committed on and after 7/1/96)
513.03 (offenses committed before 7/1/96)	OJI-CR 513.03 (offenses committed before 7/1/96)
513.03 (offenses committed on and after 7/1/96)	OJI-CR 513.03 (offenses committed on and after 7/1/96)
513.04 (offenses committed before 7/1/96)	OJI-CR 513.04 (offenses committed before 7/1/96)
513.04 (offenses committed on and after 7/1/96)	OJI-CR 513.04 (offenses committed on and after 7/1/96)

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513.041 (offenses committed on and after 7/1/96)	OJI-CR 513.041 (offenses committed on and after 7/1/96)
513.11 (offenses committed before 7/1/96)	OJI-CR 513.11 (offenses committed before 7/1/96)
513.11 (offenses committed on and after 7/1/96)	OJI-CR 513.11 (offenses committed on and after 7/1/96)
513.21 (offenses committed before 7/1/96)	OJI-CR 513.21 (offenses committed before 7/1/96)
513.21 (offenses committed on and after 7/1/96)	OJI-CR 513.21 (offenses committed on and after 7/1/96)
513.31(A) (offenses committed before 7/1/96)	OJI-CR 513.31(A) (offenses committed before 7/1/96)
513.31(A) (offenses committed on and after 7/1/96)	OJI-CR 513.31(A)(offenses committed on and after 7/1/96)
513.31(B)	OJI-CR 513.31(B)
513.32 (offenses committed before 7/1/96)	OJI-CR 513.32 (offenses committed before 7/1/96)
513.32 (offenses committed on and after 7/1/96)	OJI-CR 513.32 (offenses committed on and after 7/1/96)
513.33 (offenses committed on and after 3/31/97	OJI-CR 513.33 (offenses committed on and after 3/31/97
513.34 (offenses committed on and after 3/31/97)	OJI-CR 513.34 (offenses committed on and after 3/31/97)
513.40	OJI-CR 513.40
513.41 (offenses committed before 7/1/96)	OJI-CR 513.41 (offenses committed before 7/1/96)
513.42 (offenses committed before 7/1/96)	OJI-CR 513.42 (offenses committed before 7/1/96)
513.42 (offenses committed on and after 7/1/96)	OJI-CR 513.42 (offenses committed on and after 7/1/96)
513.43 (offenses committed before 7/1/96)	OJI-CR 513.43 (offenses committed before 7/1/96)
513.43 (offenses committed on and after 7/1/96)	OJI-CR 513.43 (offenses committed on and after 7/1/96)
513.44	OJI-CR 513.44
513.45 (offenses committed before 7/1/96)	OJI-CR 513.45 (offenses committed before 7/1/96)
513.45 (offenses committed on and after 7/1/96)	OJI-CR 513.45 (offenses committed on and after 7/1/96)
513.46(A) (offenses committed before 10/29/95)	OJI-CR 513.46(A)(offenses committed before 10/29/95)
513.46(B) (offenses committed before 10/29/95)	OJI-CR 513.46(B) (offenses committed before 10/29/95)
513.46(B) (offenses committed on and after 9/26/96)	OJI-CR 513.46(B) (offenses committed on and after 9/26/96)
513.46(C) (offenses committed on and after 9/26/96)	OJI-CR 513.46(C) (offenses committed on and after 9/26/96)

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513.47 (offenses committed before 7/1/96)	OJI-CR 513.47 (offenses committed before 7/1/96)
513.47 (offenses committed on and after 7/1/96)	OJI-CR 513.47 (offenses committed on and after 7/1/96)
513.48 (offenses committed before 7/1/96)	OJI-CR 513.48 (offenses committed before 7/1/96)
513.48 (offenses committed on and after 7/1/96)	OJI-CR 513.48 (offenses committed on and after 7/1/96)
513.51 (offenses committed before 7/1/96)	OJI-CR 513.51 (offenses committed before 7/1/96)
513.51 (offenses committed on or after 7/1/96)	OJI-CR 513.51 (offenses committed on or after 7/1/96)
513.81 (offenses committed before 7/1/96)	OJI-CR 513.81 (offenses committed before 7/1/96)
513.401	OJI-CR 513.401
515.02	OJI-CR 515.02
515.03	OJI-CR 515.03
515.04	OJI-CR 515.04
515.05	OJI-CR 515.05
515.05(A) (offenses committed before 7/1/96)	OJI-CR 515.05(A) (offenses committed before 7/1/96)
515.05(B) (offenses committed on and after 7/1/96)	OJI-CR 515.05(B) (offenses committed on and after 7/1/96)
515.06 (offenses committed before 7/1/96)	OJI-CR 515.06 (offenses committed before 7/1/96)
515.07	OJI-CR 515.07
515.09	OJI-CR 515.09
515.10(A)	OJI-CR 515.10(A)
515.10(C)	OJI-CR 515.10(C)
515.11	OJI-CR 515.11
515.12 (offenses committed before 7/1/96)	OJI-CR 515.12 (offenses committed before 7/1/96)
517.01	OJI-CR 517.01
517.02(A)	OJI-CR 517.02(A)
517.02(B)	OJI-CR 517.02(B)
517.03	OJI-CR 517.03
517.11(A)	OJI-CR 517.11(A)
517.11(B)	OJI-CR 517.11(B)
517.12	OJI-CR 517.12
517.13	OJI-CR 517.13
517.21(A)	OJI-CR 517.21(A)
517.21(B)	OJI-CR 517.21(B)
517.31	OJI-CR 517.31
517.32	OJI-CR 517.32
517.40	OJI-CR 517.40

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517.41	OJI-CR 517.41
517.47	OJI-CR 517.47
519.01	OJI-CR 519.01
519.12(A)	OJI-CR 519.12(A)
519.12(B)	OJI-CR 519.12(B)
519.13(A)	OJI-CR 519.13(A)
519.13(B)	OJI-CR 519.13(B)
519.14	OJI-CR 519.14
519.21(A)	OJI-CR 519.21(A)
519.21(B)	OJI-CR 519.21(B)
519.22	OJI-CR 519.22
519.23(A)	OJI-CR 519.23(A)
519.23(B)	OJI-CR 519.23(B)
519.24	OJI-CR 519.24
519.24(A)(3) (offenses committed on and after 1/1/02)	OJI-CR 519.24(A)(3) (offenses committed on and after 1/1/02)
519.25	OJI-CR 519.25
519.27	OJI-CR 519.27
519.231	OJI-CR 519.231
521.02	OJI-CR 521.02
521.03 (offenses committed before 9/3/96)	OJI-CR 521.03 (offenses committed before 9/3/96)
521.03 (offenses committed on and after 9/3/96 and before 11/6/96)	OJI-CR 521.03 (offenses committed on and after 9/3/96 and before 11/6/96)
521.03 (offenses committed on and after 11/6/96)	OJI-CR 521.03 (offenses committed on and after 11/6/96)
521.04 (offenses committed before 9/3/96)	OJI-CR 521.04 (offenses committed before 9/3/96)
521.04 (offenses committed on and after 9/3/96)	OJI-CR 521.04 (offenses committed on and after 9/3/96)
521.05	OJI-CR 521.05
521.11	OJI-CR 521.11
521.12	OJI-CR 521.12
521.13 (offenses committed before 7/1/96)	OJI-CR 521.13 (offenses committed before 7/1/96)
521.13 (offenses committed on and after 7/1/96 and before 10/1/97)	OJI-CR 521.13 (offenses committed on and after 7/1/96 and before 10/1/97)
521.13 (offenses committed on and after 10/1/97)	OJI-CR 521.13 (offenses committed on and after 10/1/97)
521.14	OJI-CR 521.14
521.21	OJI-CR 521.21
521.22(A)	OJI-CR 521.22(A)
521.22(B)	OJI-CR 521.22(B)
521.22(C)	OJI-CR 521.22(C)

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521.22(D) (offenses committed before 3/18/97)	OJI-CR 521.22(D) (offenses committed before 3/18/97)
521.22(D) (offenses committed on and after 3/18/97)	OJI-CR 521.22(D) (offenses committed on and after 3/18/97)
521.22(E)	OJI-CR 521.22(E)
521.24	OJI-CR 521.24
521.31	OJI-CR 521.31
521.32 (offenses committed before 7/1/96)	OJI-CR 521.32 (offenses committed before 7/1/96)
521.32 (offenses committed on and after 7/1/96 and before 12/31/97)	OJI-CR 521.32 (offenses committed on and after 7/1/96 and before 12/31/97)
521.32 (offenses committed on and after 12/31/97)	OJI-CR 521.32 (offenses committed on and after 12/31/97)
521.321	OJI-CR 521.321
521.33 (offenses committed before 7/1/96)	OJI-CR 521.33 (offenses committed before 7/1/96)
521.33 (offenses committed on and after 7/1/96 but before 9/16/97)	OJI-CR 521.33 (offenses committed on and after 7/1/96 but before 9/16/97)
521.33 (offenses committed on and after 9/16/97)	OJI-CR 521.33 (offenses committed on and after 9/16/97)
521.34(A)(1)	OJI-CR 521.34(A)(1)
521.34(A)(2) (offense committed by sexually violent predator on and after 1/1/97)	OJI-CR 521.34(A)(2) (offense committed by sexually violent predator on and after 1/1/97)
521.35(A)	OJI-CR 521.35(A)
521.35(B)	OJI-CR 521.35(B)
521.36	OJI-CR 521.36
521.38	OJI-CR 521.38 (offenses committed on and after 6/11/97 but before 4/4/07) OJI-CR 521.38 (offenses committed on and after 4/4/07)
521.41	OJI-CR 521.41
521.42	OJI-CR 521.42
521.43(A)	OJI-CR 521.43(A)
521.43(B)	OJI-CR 521.43(B)
521.43(C)	OJI-CR 521.43(C)
521.44(A)	OJI-CR 521.44(A)
521.44(B)	OJI-CR 521.44(B)
521.44(C)	OJI-CR 521.44(C)
521.44(D)	OJI-CR 521.44(D)
521.44(E)	OJI-CR 521.44(E)
521.45	OJI-CR 521.45
521.51(B)	OJI-CR 521.51(B)
521.51(C)	OJI-CR 521.51(C)
521.51(D)	OJI-CR 521.51(D)
521.51(E)	OJI-CR 521.51(E)

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521.52	OJI-CR 521.52
521.331	OJI-CR 521.331
523.01 (offenses committed before 7/1/96)	OJI-CR 523.01 (offenses committed before 7/1/96)
523.01 (offenses committed on and after 7/1/96)	OJI-CR 523.01 (offenses committed on and after 7/1/96)
523.02 (offenses committed before 7/1/96)	OJI-CR 523.02 (offenses committed before 7/1/96)
523.02 (offenses committed on and after 7/1/96)	OJI-CR 523.02 (offenses committed on and after 7/1/96)
523.03 (offenses committed before 7/1/96)	OJI-CR 523.03 (offenses committed before 7/1/96)
523.03 (offenses committed on and after 7/1/96)	OJI-CR 523.03 (offenses committed on and after 7/1/96)
523.12	OJI-CR 523.12
523.13 (offenses committed before 7/1/96)	OJI-CR 523.13 (offenses committed before 7/1/96)
523.13(A) (offenses committed on and after 7/1/96)	OJI-CR 523.13(A) (offenses committed on and after 7/1/96)
523.13(B) (offenses committed on and after 7/1/96)	OJI-CR 523.13(B) (offenses committed on and after 7/1/96)
523.15	OJI-CR 523.15
523.16	OJI-CR 523.16
523.17 (offenses committed before 7/1/96)	OJI-CR 523.17 (offenses committed before 7/1/96)
523.17 (offenses committed on and after 7/1/96)	OJI-CR 523.17 (offenses committed on and after 7/1/96)
523.19	OJI-CR 523.19
523.20 (offenses committed before 7/1/96)	OJI-CR 523.20 (offenses committed before 7/1/96)
523.20 (offenses committed on and after 7/1/96)	OJI-CR 523.20 (offenses committed on and after 7/1/96)
523.21 (offenses committed before 11/9/95)	OJI-CR 523.21 (offenses committed before 11/9/95)
523.21 (offenses committed on and after 11/9/95 but before 7/1/96)	OJI-CR 523.21 (offenses committed on and after 11/9/95 but before 7/1/96)
523.21 (offenses committed on and after 7/1/96)	OJI-CR 523.21 (offenses committed on and after 7/1/96)
523.211(B)	OJI-CR 523.211(B)
523.24 (offenses committed before 7/1/96)	OJI-CR 523.24 (offenses committed before 7/1/96)
523.24 (offenses committed on and after 7/1/96)	OJI-CR 523.24 (offenses committed on and after 7/1/96)
523.32(A)(1)	OJI-CR 523.32(A)(1)
523.32(A)(2)	OJI-CR 523.32(A)(2)
523.32(A)(3)	OJI-CR 523.32(A)(3)

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523.42 (offenses committed on and after 1/1/99)	OJI-CR 523.42 (offenses committed on and after 1/1/99)
523.44	OJI-CR 523.44
523.121 (offenses committed before 7/1/96)	OJI-CR 523.121 (offenses committed before 7/1/96)
523.121 (offenses committed on and after 7/1/96)	OJI-CR 523.121 (offenses committed on and after 7/1/96)
523.122 (offenses committed before 7/1/96)	OJI-CR 523.122 (offenses committed before 7/1/96)
523.122 (offenses committed on and after 7/1/96 but before 3/18/97	OJI-CR 523.122 (offenses committed on and after 7/1/96 but before 3/18/97
523.122 (offenses committed on and after 3/18/97 but before 8/6/99)	OJI-CR 523.122 (offenses committed on and after 3/18/97 but before 8/6/99)
523.122 (offenses committed on and after 8/6/99)	OJI-CR 523.122 (offenses committed on and after 8/6/99)
523.123(A)	OJI-CR 523.123(A)
523.123(B)	OJI-CR 523.123(B)
523.131	OJI-CR 523.131
523.161 (offenses committed before 7/1/96)	OJI-CR 523.161 (offenses committed before 7/1/96)
523.161 (offenses committed on and after 7/1/96 but before 8/6/99)	OJI-CR 523.161 (offenses committed on and after 7/1/96 but before 8/6/99)
523.161 (offenses committed on and after 8/6/99)	OJI-CR 523.161 (offenses committed on and after 8/6/99)
525.02 (offenses committed before 7/1/96)	OJI-CR 525.02 (offenses committed before 7/1/96)
525.02 (offenses committed on and after 7/1/96 but before 7/22/98)	OJI-CR 525.02 (offenses committed on and after 7/1/96 but before 7/22/98)
525.02 (offenses committed on and after 7/22/98)	OJI-CR 525.02 (offenses committed on and after 7/22/98)
525.03 (offenses committed before 7/1/96)	OJI-CR 525.03 (offenses committed before 7/1/96)
525.03 (offenses committed on and after 7/1/96 but before 2/13/2001)	OJI-CR 525.03 (offenses committed on and after 7/1/96 but before 2/13/2001)
525.03 (offenses committed on and after 2/13/2001)	OJI-CR 525.03 (offenses committed on and after 2/13/2001)
525.04(offenses committed on and after 7/1/96 but before 8/7/2001)	OJI-CR 525.04 (offenses committed on and after 7/1/96 but before 8/7/2001)
525.04 (offenses committed on and after 7/1/96 but before 8/7/2001)	OJI-CR 525.04 (offenses committed on and after 7/1/96 but before 8/7/2001)
525.041	OJI-CR 525.041
525.05 (offenses committed before 3/23/2000)	OJI-CR 525.05 (offenses committed before 3/23/2000)
525.05 (offenses committed on and after 3/23/2000)	OJI-CR 525.05 (offenses committed on and after 3/23/2000)
525.06	OJI-CR 525.06
525.07	OJI-CR 525.07

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525.09(A) (offenses committed before 7/22/98)	OJI-CR 525.09(A) (offenses committed before 7/22/98)
525.09(A) (offenses committed on and after 7/22/98)	OJI-CR 525.09(A) (offenses committed on and after 7/22/98)
525.09(B)	OJI-CR 525.09(B)
525.11 (offenses committed before 7/1/96)	OJI-CR 525.11(offenses committed before 7/1/96)
525.11 (offenses committed on and after 7/1/96 but before 6/20/97)	OJI-CR 525.11 (offenses committed on and after 7/1/96 but before 6/20/97)
525.11 (offenses committed on and after 6/20/97)	OJI-CR 525.11 (offenses committed on and after 6/20/97)
525.12 (offenses committed before 7/1/96)	OJI-CR 525.12 (offenses committed before 7/1/96)
525.12 (offenses committed on and after 7/1/96)	OJI-CR 525.12 (offenses committed on and after 7/1/96)
525.13 (offenses committed before 7/1/96)	OJI-CR 525.13 (offenses committed before 7/1/96)
525.13 (offenses committed on and after 7/1/96)	OJI-CR 525.13 (offenses committed on and after 7/1/96)
525.14(C) (offenses committed before 7/1/96)	OJI-CR 525.14(C) (offenses committed before 7/1/96)
525.14(C) (offenses committed on and after 7/1/96)	OJI-CR 525.14(C) (offenses committed on and after 7/1/96)
525.22(offenses committed before 7/1/96)	OJI-CR 525.22 (offenses committed before 7/1/96)
525.22(offenses committed on and after 7/1/96)	OJI-CR 525.22(offenses committed on and after 7/1/96)
525.23 (offenses committed before 7/1/96)	OJI-CR 525.23 (offenses committed before 7/1/96)
525.23(offenses committed on and after 7/1/96 but before 7/22/98)	OJI-CR 525.23(offenses committed on and after 7/1/96 but before 7/22/98)
525.23(offenses committed on and after 7/22/98)	OJI-CR 525.23(offenses committed on and after 7/22/98)
525.24	OJI-CR 525.24
525.31(offenses committed before 7/1/96)	OJI-CR 525.31(offenses committed before 7/1/96)
525.31(offenses committed on and after 7/1/96)	OJI-CR 525.31(offenses committed on and after 7/1/96)
525.32 (offenses committed before 7/1/96)	OJI-CR 525.32 (offenses committed before 7/1/96)
525.32(offenses committed on and after 7/1/96 but before 1/1/97)	OJI-CR 525.32(offenses committed on and after 7/1/96 but before 1/1/97)
525.32(offenses committed on and after 1/1/97)	OJI-CR 525.32(offenses committed on and after 1/1/97)
525.33	OJI-CR 525.33
525.36 (offenses committed before 7/1/96)	OJI-CR 525.36 (offenses committed before 7/1/96)

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525.36 (offenses committed on and after 7/1/96)	OJI-CR 525.36 (offenses committed on and after 7/1/96)
525.37(offenses committed before 7/1/96)	OJI-CR 525.37(offenses committed before 7/1/96)
525.37 (offenses committed on and after 7/1/96)	OJI-CR 525.37 (offenses committed on and after 7/1/96)
525.42	OJI-CR 525.42
527.01	OJI-CR 527.01
527.02(B)(1)	OJI-CR 527.02(B)(1)
527.02(B)(2)	OJI-CR 527.02(B)(2)
527.02(B)(3) (offenses committed on and after 3/15/01)	OJI-CR 527.02(B)(3) (offenses committed on and after 3/15/01)
527.02(C)	OJI-CR 527.02(C)
527.03	OJI-CR 527.03
527.11	OJI-CR 527.11
527.12	OJI-CR 527.12
527.13	OJI-CR 527.13
527.21	OJI-CR 527.21
527.24(B)	OJI-CR 527.24(B)
527.24(C)	OJI-CR 527.24(C)
527.27(A) (offenses committed on and after 10/09/01)	OJI-CR 527.27(A) (offenses committed on and after 10/09/01)
527.27(B) (offenses committed on and after 10/09/01)	OJI-CR 527.27(B) (offenses committed on and after 10/09/01)
533.92	OJI-CR 533.92
547.11(A)(1)(offenses committed on and after 1/1/04)	OJI-CR 547.11(A)(1)(offenses committed on and after 1/1/04)
547.11(A)(2)-(6) (offenses committed on and after 1/1/04)	OJI-CR 547.11(A)(2)-(6) (offenses committed on and after 1/1/04)
547.11(B)(offenses committed on and after 1/1/04)	OJI-CR 547.11(B)(offenses committed on and after 1/1/04)
549.01(offenses committed on and after 1/1/04)	OJI-CR 709.01(offenses committed on and after 1/1/04)
549.02	OJI-CR 749.02
549.021	OJI-CR 749.021
549.03	OJI-CR 749.03
549.62(A)	OJI-CR 749.62(A)
549.62(B)	OJI-CR 749.62(B)
549.62(C)	OJI-CR 749.62(C)
549.62(D)	OJI-CR 749.62(D)
550.02 (offenses committed before 7/1/97)	OJI-CR 550.02 (offenses committed before 7/1/97)
550.04 (offenses committed on and after 7/1/97 but before 7/13/030)	OJI-CR 550.04 (offenses committed on and after 7/1/97 but before 7/13/030)
550.04 (offenses committed on and after 7/31/03)	OJI-CR 550.04 (offenses committed on and after 7/31/03)

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550.041 (offenses committed on and after 7/31/04)	OJI-CR 550.041 (offenses committed on and after 7/31/04)
550.05 (offenses committed before 7/1/97)	OJI-CR 550.05 (offenses committed before 7/1/97)
550.05 (offenses committed on and after 7/1/97 but before 7/31/03)	OJI-CR 550.05 (offenses committed on and after 7/1/97 but before 7/31/03)
550.05 (offenses committed on and after 7/31/03 but before 4/29/05)	OJI-CR 550.05 (offenses committed on and after 7/31/03 but before 4/29/05)
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Chapter CV 415

INNKEEPERS

CV 415.01 Innkeeper and servant liability *[Rev. 3/14/15]*
CV 415.03 Loss of Guest Property: special arrangement
CV 415.05 Loss of property after checkout *[Rev. 3/14/15]*

CV 415.01 Innkeeper and servant liability *[Rev. 3/14/15]*

COMMENT

The Committee believes that this section only applies to registered guests regardless of duration of stay. For damage or loss for other individuals at the hotel who are not registered guests, see OJI-CV Chapter 617 Premises Liability.

1. GENERAL. The plaintiff claims that the defendant breached his/her/its duty to use ordinary care for the safekeeping of the plaintiff's property while the plaintiff was a guest at the hotel.

2. PROOF OF CLAIM. Before you can find for the plaintiff, you must find by the greater weight of the evidence that:

(A) the plaintiff suffered (the loss of) (injury to) personal property while a guest at the hotel;

(B) the defendant breached his/her/its duty to exercise ordinary care for the safekeeping of the plaintiff's personal property; and

(C) the defendant's negligence proximately caused (loss) (injury) to the plaintiff.

3. INNKEEPER. "Innkeeper" means the owner or operator of a hotel or his/her/its servant/agent.

4. HOTEL. R.C. 3731.01.

5. AGENT. OJI-CV 423.01.

6. DUTIES OF INNKEEPERS. The innkeeper and his/her/its servant/agent owes a duty to a guest to use ordinary care for the safekeeping of the guest's property.

7. AFFIRMATIVE DEFENSE (ADDITIONAL). If you find with respect to the plaintiff's loss of property that the plaintiff did not offer to deliver the property to the innkeeper and/or servant for custody in the safe of vault or the innkeeper and/or servant did not refuse to take it, you must find in favor of the innkeeper and/or servant when the innkeeper and/or servant proves by the greater weight of the evidence all of the following:

(A) that the hotel had a metal safe or vault in good order suitable for the custody of the property lost;

(B) that the hotel kept suitable locks or bolts on the doors of the sleeping rooms used by his guests;

(C) that the hotel kept suitable fastenings on the transoms and windows of such rooms; and

(D) that signs were posted in the guest room occupied by the plaintiff and at least ten other conspicuous locations in the hotel that included the following language or a substantially similar statement:

An innkeeper, whether a person, partnership, or corporation, having in his inn a metal safe or vault in good order suitable for the custody of money, bank notes, jewelry, articles of gold and silver manufacture, precious stones, personal ornaments, railroad mileage books or tickets, negotiable or valuable papers, and bullion, and keeping on the doors of the sleeping rooms used by his guests suitable locks or bolts, and on the transoms and windows of such rooms suitable fastenings, and keeping a copy of this section printed in distinct type conspicuously suspended in the office, ladies' parlor or sitting room, barroom, washroom, and five other conspicuous places in such inn, or not less than ten conspicuous places in all, shall not be liable for loss or injury suffered by a guest, unless such guest has offered to deliver such property to such innkeeper for custody in such metal safe or vault, and the innkeeper has omitted or refused to take and deposit it in the safe or vault for custody and give the guest receipt therefore.

COMMENT

1. Drawn from R.C. 4721.01 and *Rarrick v. Browne*, 151 Ohio St. 276 (1949). *See also Rappaport v. Akron West Hilton Inn*, 87 Ohio App.3d 389 (1993).

2. This section only applies to claims involving the property enumerated in R.C. 4721.01.

8. EXCEPTION TO THE AFFIRMATIVE DEFENSE (ADDITIONAL). If you find the plaintiff offered his/her property to the defendant for custody in a safe or vault and defendant omitted or refused to take it in the safe or vault and property is valued at $500 or less, you must find the affirmative defense does not apply.

9. BURDEN OF PROOF. OJI-CV 303.03.

10. PREPONDERANCE. OJI-CV 303.05.

11. NEGLIGENCE AND ORDINARY CARE. OJI-CV 401.01

12. PROXIMATE CAUSE. OJI-CV 405.01 §§ 2, 3.

13. DAMAGES. OJI-CV 315.19, OJI-CV 315.21, OJI-CV 315.23.

COMMENT

See R.C. 4721.02 for limitation on damages. *See also World Diamond Inc. v.*

Hyatt Corporation, 121 Ohio App.3d 297, 10, 10th Dist., June 30, 1997.

14. CONCLUSION. OJI-CV Chapter 406.

CV 415.03 Loss of Guest Property: special arrangement

1. GENERAL. The plaintiff claims that the defendant breached his/her/its duty to use ordinary care for the safekeeping of plaintiff's property at the hotel after defendant/agents received it for deposit in a safe/vault by a special arrangement with the defendant/agents.

COMMENT

Drawn from R.C. 4721.02

2. PROOF OF CLAIM. Before you can find for the plaintiff, you must find by the greater weight of the evidence that:

(A) Plaintiff and defendant entered into a written special arrangement for the safekeeping of plaintiff's property;

(B) The defendant breached his/her/its duty to exercise ordinary care for the safekeeping of the plaintiff's property; and

(C) The defendant's negligence proximately caused (loss)(injury) to the plaintiff.

COMMENT

The committee believes R.C. 4721.02 requires a written special arrangement, *but see World Diamond Inc. v. Hyatt Corp.*, 121 Ohio App.3d 297, 10, 10th Dist., June 30, 1977.

3. HOTEL. R.C. 3731.01

4. AGENT. OJI-CV 423.01

5. DUTIES OF HOTEL. (INNKEEPER) . . .

6. BURDEN OF PROOF. OJI-CV 303.03

7. PREPONDERANCE. OJI-CV 303.05

8. NEGLIGENCE AND ORDINARY CARE. OJI-CV 401.01

9. PROXIMATE CAUSE. OJI-CV 405.01 §§ 2, 3.

10. DAMAGES. OJI-CV 315.19, OJI-CV 315.21, OJI CV 315.23

11. CONCLUSION. OJI-CV Chapter 406.

CV 415.05 Loss of property after checkout *[Rev. 3/14/15]*

1. GENERAL. The plaintiff claims that he/she was a guest in the defendant's hotel, when the plaintiff checked out of the hotel the defendant agreed to temporarily store the

plaintiff's (suitcase) (trunk) (valise and its contents) (describe other property), and that the property was lost or damaged while in the defendant's possession and control.

COMMENT

Hotels Statler Co., Inc. v. Safier 103 Ohio St. 638 (1921).

2. PROOF OF CLAIM. If you find that the plaintiff checked out of the hotel as a guest and by arrangement with the defendant stored his/her (suitcase) (trunk) (valise and its contents) (describe other property) with the defendant, then the plaintiff must prove by the greater weight of the evidence all of the following:

(A) the defendant breached its duty to exercise ordinary care for the safekeeping of the plaintiff's property.

(B) the defendant's conduct was the direct and proximate cause of the plaintiff's loss of property.

(C) the plaintiff was damaged as a result of the property loss.

3. AFFIRMATIVE DEFENSE. The defendant claims that the plaintiff is responsible for any property losses he/she incurred after he/she checked out of the hotel. You must find in favor of the defendant if you find that the defendant proved by the greater weight of the evidence that (the loss of the plaintiff's property did not occur on the premises of the defendant) (that the plaintiff's loss was directly and proximately caused by the plaintiff's failure to exercise reasonable care of the safety of his/her own property) (the loss occurred while the property was in the exclusive custody and control of the plaintiff).

4. BURDEN OF PROOF. OJI-CV 303.03.

5. PREPONDERANCE. OJI-CV 303.05.

6. NEGLIGENCE AND ORDINARY CARE. OJI-CV 401.01.

7. PROXIMATE CAUSE. OJI-CV 405.01 §§ 2,3.

8. DAMAGES. OJI-CV 315.19, OJI-CV 315.21, OJI-CV 315.23

9. CONCLUSIONS. OJI-CV Chapter 406.

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Chapter CV 455

CIVIL RELIEF FOR CRIMINAL CONDUCT

CV 455.01 Civil remedy for person injured by criminal act *[Rev. 8/5/20]*

CV 455.01 Civil remedy for person injured by criminal act *[Rev. 8/5/20]*

COMMENT

R.C. 2307.60(A)(1) creates a statutory claim for damages resulting from any criminal act unless specifically excepted by law. R.C. 2307.60(B)(1) to (3) set forth the situations specifically excepted by law. A criminal conviction or charge is not a prerequisite. In general, persons who engaged in conduct that, if prosecuted, would constitute a felony, a misdemeanor offense of violence, an attempt to commit a felony, or an attempt to commit a misdemeanor offense of violence, are excepted from recovery if that conduct proximately caused the damages. Persons other than innocent bystanders are also excepted from recovery if the persons sustained damages from an act of self-defense, defense of another, or defense of a residence. Any person or the person's representative is excepted from recovery if the person's conduct, if prosecuted, would constitute a felony, a misdemeanor offense of violence, an attempt to commit a felony, or an attempt to commit a misdemeanor offense of violence if the conduct the person engaged in against the victim was the proximate cause of the person's damages. *Buddenberg v. Weisdack*, Slip Op. No. 2020-Ohio-3832; *Jacobson v. Kaforey*, 149 Ohio St.3d 398, 2016-Ohio-8434.

1. GENERAL. The plaintiff claims that he/she suffered (injury) (damages) that (was) (were) proximately caused by the defendant's conduct, which constituted (*insert name of offense*).

2. PROOF OF CLAIM. Before you can find for the plaintiff, you must find all of the following by the greater weight of the evidence: (*describe elements of offense with definitions*).

COMMENT

The elements from the applicable Ohio Revised Code section should be listed as the elements that the plaintiff must prove. The Committee recommends that practitioners use the OJI criminal jury instructions for the elements, definitions, and affirmative defenses. The plaintiff must prove the elements by a preponderance of the evidence and not the criminal standard of beyond a reasonable doubt.

See R.C. 2307.60(A)(2) for the admissibility of a prior conviction.

A template of the full instruction using arson, OJI-CR 509.03(A)(1), is provided below.

3. EXAMPLE INSTRUCTION: ARSON.

(A) GENERAL. The plaintiff claims that he/she suffered (injury) (damages) proximately caused by the defendant's conduct, which constituted the criminal offense of arson.

(B) PROOF OF CLAIM. Before you can find for the plaintiff, you must find by the greater of weight of the evidence that the defendant, by means of fire, knowingly caused physical harm to any property of the plaintiff without the plaintiff's consent.

(C) KNOWINGLY. OJI-CR 417.11; R.C. 2901.22(B).

(D) CAUSATION. OJI-CR 417.23.

(E) PHYSICAL HARM TO PROPERTY. "Physical harm to property" means any tangible or intangible damage to property that, in any degree, results in loss to its value or interferes with its use or enjoyment. "Physical harm to property" does not include wear and tear occasioned by normal use.

COMMENT

R.C. 2901.01.

(F) PROPERTY. "Property" means any property, real or personal, tangible or intangible, and any interest or license in such property.

COMMENT

R.C. 2901.01.

4. PROXIMATE CAUSE. OJI-CV Chapter 405.

5. DAMAGES. OJI-CV Chapter 315.

COMMENT

R.C. 2307.60(A)(1) provides that anyone injured in person or property by a criminal act may recover full damages including attorney fees and punitive damages if authorized by any provision of the Rules of Civil Procedure or another section of the Revised Code or under the common law of this state. *See* R.C. 2315.21 and OJI-CV Chapter 315.

In the event damages are being sought for the willful damage of property or theft, see R.C. 2307.61 for the limitation on damages.

6. CONCLUSION. OJI-CV Chapter 313.

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[References are to civil (CV) and criminal (CR) instruction numbers.]

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[References are to civil (CV) and criminal (CR) instruction numbers.]

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